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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,065	06/29/2000	Jussi Ruutu	975.306USW1	7291

22865 7590 01/10/2003

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,065

Applicant(s)

RUUTU ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-1/2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Timbs et al (6,018,521).

Regarding claims 1, 2, and 4, Timbs discloses a broadband cellular network device comprising a base station control unit (220) for controlling the distribution of ATM cells, an

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ATM controller (250, 252), separate from the BSC, connected to and being controlled by the BSC, and an ATM switch (251) connected to and being controlled by the ATM controller and adapted to switch ATM cellular traffic, wherein the ATM controller being arranged to function between the base station control unit and the ATM switch and being arranged to provide an interface for converting commands of a first protocol issued by the BSC into commands of a second communication protocol causing switching actions and being an interface for issuing commands for connecting and disconnecting traffic channels passing through the ATM switch. Wherein the base station control unit provide either a software, hardware, or mixed of hardware/software implementation of BSC function and comprises an ATM controller instructions adapted to instruct the ATM controller (see abstract; Figures 1A, 9A & 9C; col. 1, lines 10-14; col. 3, lines 22-27; col. 4, lines 54-56; col. 6, lines 37-48 & 60-66; col. 8, lines 59-61; col. 9, lines 7-10; col. 13, lines 39-43; and col. 19, lines 64-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Korpela (5,946,634).

Regarding claims 5-7, Timbs discloses all the claimed subject matter as described in previous paragraph except for the at least two functional layers such as cellular network related

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upper layer and ATM related lower layer and the ATM controller is adapted to be a GSM Protocol. However, these two layer and the use of GSM Protocol are well known in the art. Korpela discloses a mobile communication system including these two layer and the sue of GSMP (see Figure 6; col. 1, lines 63-67; col. 4, lines 4-6 & 37-46; and col. 5, lines 39-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the system to include the at least two functional layers as taught by Korpela in the system of Timbs since this is a common practice in the art.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Takase et al (5,963,555).

Regarding claim 7, Timbs discloses all the claimed subject matter as described in previous paragraph except for adapting a General Switch Management Protocol (GSMP). However, using the GSMP is well known in the art. Takase discloses the use of GSMP (see col. 2, lines 15-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the GSMP as taught by Takase in the system of Timbs to improve the flexibility of the system.

Response to Arguments

7. Applicant's arguments filed 11/12/02 have been fully considered but they are not persuasive.

Applicant argued mainly that Timbs is different from the Applicant's claimed invention because converting commands as set forth by the Applicants' claimed invention is different from performing an interface for radio resource coordination and management, and channel allocation

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because merely performing a normally designated operation is different from converting a command to perform an operation. This argument is not persuasive because Timbs does disclose converting formats including commands back and forth between communication protocols (see col. 7, lines 62-67) as in the claimed invention, claim 1, that claims “converting commands of a first communication protocol issued by the base station controller unit into commands of a second communication protocol causing switching action”. In addition, all commands in other protocols must be converted into the protocol supported by the ATM switch in order for the switch to understand and perform its switching function.

Applicant also argues that Timbs is different than the Applicants’ claimed invention because Timbs is merely directed toward maintaining compatibility between circuit based interface BSC toward MSC and between ATM base interfaces of BSC toward BTS (base transceiver stations) whereas the Applicants set forth an ATM controller being arranged to function between the base station control unit and the ATM switch and that Timbs is functionally located in a different location in the telecommunication hierarchy of the system and therefore is improperly stationed to perform the functions set forth in the Applicants’ claimed invention. Examiner disagrees because as in the claimed invention, ATM controller of Timbs is separate from the base station control unit and Timbs is functionally located in the location in the telecommunication hierarchy of the system (see BSS 200 of Fig. 1A). The ATM controller of Timbs is also arranged to function between the base station control unit and the ATM switch.

Conclusion

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Brian Nguyen
December 23, 2002



DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
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